

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA, :  
v. : Criminal No. 2:04-CR-40  
EDWARD SINCLAIR and :  
CLAYTON SINCLAIR, :  
Defendants. :

## **ORDER VACATING TRIAL SETTING**

On October 13, 2005, the government filed an Unopposed Motion to Continue Trial Setting, and with the concurrence of defense counsel, requested the Court to place the matter on the February 2006 trial calendar. This request is prompted by the unavailability of counsel for defendant Edward Sinclair and counsel for the government due to their involvement in other trials pending in this District and other pending litigation matters, and the on-going plea negotiations among the parties. All parties concur in the requested continuance and the proposed date for the new trial setting.

Pursuant to 18 U.S.C. § 3161(h)(8)(A), the Court finds that the ends of justice are best served by vacating the current trial setting and outweigh the best interests of the defendants and the public in a speedy trial on the grounds that denial of an extension of time would deny the defendant, exercising due diligence, reasonable time for effective preparation of this case.

The Unopposed Motion to Continue Trial Setting is therefore GRANTED.

IT IS FURTHER ORDERED that the period of delay resulting from this extension of time shall be excludable in computing the time in which the trial in this case must commence pursuant to the Speedy Trial Act and this District's Plan for Prompt Disposition of Criminal Cases. The time to be excluded is from October 13, 2005 and continue through February 7, 2006. A pretrial conference is now scheduled in this case for Wednesday, January 25, 2006 at 9:30 a.m. and is the number one case on the criminal jury draw list which is scheduled to begin in Burlington on Tuesday, February 7, 2006 at 1:00 p.m.

Dated at Burlington, Vermont, this 21st day of October, 2005.

/s/ William K. Sessions III  
Honorable William K. Sessions III  
Chief Judge, United States District Court